

AMENDED IN ASSEMBLY MARCH 13, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2748**

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**Introduced by Assembly Member Soto**

February 22, 2008

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An act to amend ~~Section 651 of~~ *Section 16001.9 of*, and to add *Sections 16001.8 and 16001.10 to*, the Welfare and Institutions Code, relating to ~~juveniles~~ *foster care*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2748, as amended, Soto. ~~Juvenile court venue. Foster care: children: expanded rights.~~

~~Existing law provides that juvenile court proceedings to declare a minor a ward of the court may be commenced in the juvenile court for the county in which a minor resides, or in which a minor is found, or in which the circumstances exist or acts take place to bring the minor within the jurisdiction of the juvenile court.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

*Existing law provides that, when a child is removed from his or her family by the juvenile court, placement of the child in foster care should secure, as nearly as possible, the custody, care, and discipline equivalent to that which should have been given the child by his or her parents. Existing law provides enumerated rights for children who are placed in foster care.*

*This bill would expand the rights of children in foster care to include fair, equal, and reasonable access to household amenities, as described, not to be arbitrarily excluded from family activities, to be helped in preserving the child's culture and heritage, and to be provided products*

*and services necessary or appropriate to the child's cultural background, race, or ethnicity. This bill would also require the State Department of Social Services to adopt regulations consistent with protection of the enumerated rights of children in foster care.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Section 16001.8 is added to the Welfare and*  
2     *Institutions Code, to read:*  
3     *16001.8. The Legislature finds and declares all of the*  
4     *following:*  
5     *(a) Children in some foster care placements are subjected to*  
6     *unfair and unequal treatment by their caregivers and other*  
7     *members of the household that makes them feel like second-class*  
8     *citizens in their homes, rather than equal and valued members of*  
9     *a familylike unit. Reported examples of this treatment include:*  
10    *(1) Children being barred from entering certain rooms that*  
11    *other members of the household may enter.*  
12    *(2) Children being barred from using appliances that other*  
13    *members of the household are allowed to use.*  
14    *(3) Children being excluded from eating meals with other*  
15    *members of the household.*  
16    *(4) Children being forced to purchase food separately from*  
17    *other members of the household.*  
18    *(5) Children being allowed to prepare food only when the*  
19    *caregiver is present.*  
20    *(6) Children being forced to vacate their bedrooms so members*  
21    *of the caregiver's biological family can use them.*  
22    *(7) Children of African American ancestry being denied personal*  
23    *hygiene and personal care products that meet their special needs.*  
24    *(b) The negative emotional impact of these denials, prohibitions,*  
25    *and this disparate treatment on children who are already*  
26    *traumatized by the abuse or neglect that caused their entry into*  
27    *the foster care system is unacceptable.*  
28    *(c) Unequal treatment can jeopardize the stability and longevity*  
29    *of foster care placements.*  
30    *(d) The denials and prohibitions relating to nutrition, personal*  
31    *care, and home maintenance can impede foster children's*

1 *development of independent living skills and hinder their*  
2 *preparation for emancipation from the foster care system.*

3 SEC. 2. *Section 16001.9 of the Welfare and Institutions Code*  
4 *is amended to read:*

5 16001.9. (a) It is the policy of the state that all children in  
6 foster care shall have the following rights:

7 (1) To live in a safe, healthy, and comfortable home where he  
8 or she is treated with respect.

9 (2) To be free from physical, sexual, emotional, or other abuse,  
10 or corporal punishment.

11 (3) To receive adequate and healthy food, adequate clothing,  
12 and, for youth in group homes, an allowance.

13 (4) To receive medical, dental, vision, and mental health  
14 services.

15 (5) To be free of the administration of medication or chemical  
16 substances, unless authorized by a physician.

17 (6) To contact family members, unless prohibited by court order,  
18 and social workers, attorneys, foster youth advocates and  
19 supporters, Court Appointed Special Advocates (CASA), and  
20 probation officers.

21 (7) To visit and contact brothers and sisters, unless prohibited  
22 by court order.

23 (8) To contact the Community Care Licensing Division of the  
24 State Department of Social Services or the State Foster Care  
25 Ombudsperson regarding violations of rights, to speak to  
26 representatives of these offices confidentially, and to be free from  
27 threats or punishment for making complaints.

28 (9) To make and receive confidential telephone calls and send  
29 and receive unopened mail, unless prohibited by court order.

30 (10) To attend religious services and activities of his or her  
31 choice.

32 (11) To maintain an emancipation bank account and manage  
33 personal income, consistent with the child's age and developmental  
34 level, unless prohibited by the case plan.

35 (12) To not be locked in any room, building, or facility premises,  
36 unless placed in a community treatment facility.

37 (13) To attend school and participate in extracurricular, cultural,  
38 and personal enrichment activities, consistent with the child's age  
39 and developmental level.

- 1 (14) To work and develop job skills at an age-appropriate level,  
2 consistent with state law.
- 3 (15) To have social contacts with people outside of the foster  
4 care system, such as teachers, church members, mentors, and  
5 friends.
- 6 (16) To attend Independent Living Program classes and activities  
7 if he or she meets age requirements.
- 8 (17) To attend court hearings and speak to the judge.
- 9 (18) To have storage space for private use.
- 10 (19) To be involved in the development of his or her own case  
11 plan and plan for permanent placement.
- 12 (20) To review his or her own case plan and plan for permanent  
13 placement if he or she is 12 years of age or older and in a  
14 permanent placement, and to receive information about his or her  
15 out-of-home placement and case plan, including being told of  
16 changes to the plan.
- 17 (21) To be free from unreasonable searches of personal  
18 belongings.
- 19 (22) To confidentiality of all juvenile court records consistent  
20 with existing law.
- 21 (23) To have fair and equal access to all available services,  
22 placement, care, treatment, and benefits, and to not be subjected  
23 to discrimination or harassment on the basis of actual or perceived  
24 race, ethnic group identification, ancestry, national origin, color,  
25 religion, sex, sexual orientation, gender identity, mental or physical  
26 disability, or HIV status.
- 27 (24) At 16 years of age or older, to have access to existing  
28 information regarding the educational options available, including,  
29 but not limited to, the coursework necessary for vocational and  
30 postsecondary educational programs, and information regarding  
31 financial aid for postsecondary education.
- 32 (25) *To have fair, equal, and reasonable access to the basic*  
33 *amenities of the foster home, including, but not limited to, kitchen*  
34 *facilities, appliances, laundry machines, furniture, rooms, and*  
35 *home electronics.*
- 36 (26) *Not to be unreasonably or arbitrarily excluded from family*  
37 *activities in foster family homes, including, but not limited to,*  
38 *meals, shopping, and social activities.*
- 39 (27) *To be provided by his or her caregiver with products and*  
40 *services that are necessary or appropriate to the child's cultural*

1 *background, race, or ethnicity, including, but not limited to,*  
2 *personal hygiene products, personal care products, and dietary*  
3 *products.*

4 *(28) To be helped in learning about and preserving the child's*  
5 *culture and heritage.*

6 (b) Nothing in this section shall be interpreted to require a foster  
7 care provider to take any action that would impair the health and  
8 safety of children in out-of-home placement.

9 (c) The State Department of Social Services and each county  
10 welfare department are encouraged to work with the Student Aid  
11 Commission, the University of California, the California State  
12 University, and the California Community Colleges to receive  
13 information pursuant to paragraph (23) of subdivision (a).

14 *SEC. 3. Section 16001.10 is added to the Welfare and*  
15 *Institutions Code, to read:*

16 *16001.10. The department shall adopt regulations consistent*  
17 *with protecting the rights of foster children as enumerated in*  
18 *Section 16001.9.*

19 ~~SECTION 1. Section 651 of the Welfare and Institutions Code~~  
20 ~~is amended to read:~~

21 ~~651. Proceedings under this chapter may be commenced in the~~  
22 ~~juvenile court for the county in which a minor resides, or in which~~  
23 ~~a minor is found, or in which the circumstances exist or acts take~~  
24 ~~place to bring a minor within the provisions of Section 601 or 602.~~